## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

DEFEND AND CMODE	ON EOD DILL OF DARREIT AD
Defendant,	)
	)
Barry G. Brockman,	)
	)
-VS-	) No. M-10-139-AR
	) N. M. 10. 120. A.B.
ramum,	)
Plaintiff,	)
	)
UNITED STATES OF AMERICA	

## DEFENDANT'S MOTION FOR BILL OF PARTICULARS

Comes Now Barry G. Brockman, by and through his attorney, Jerold W. Barringer, and for his Motion for Bill of Particulars, states that he is seeking the following information:

- 1. The three count Information states that "Barry G. Brockman failed to file a federal income tax return as required by law". Defendant, in this first request under the bill of particulars, seeks to have disclosed each and every statute and/or regulation the Government alleges or believes applies to the phrase failed to file a federal income tax return as required by law".
- 2. In the same phrase listed in paragraph 1 above, the Government references to a federal income tax return without stating which return Defendant was required by law to file. In this second request under the bill of particulars, Defendant seeks to have disclosed which form or document is meant by "federal income tax return", and the statute or regulation that specifically references such a form.
  - 3. In the next sentence in the Information, it reads in part, "... during the calendar

year 2003, BROCKMAN lived in the Western District of Oklahoma" ... In this third request under the bill of particulars, Defendant seeks to have disclosed where pursuant to statutes and regulations, was Defendant specifically required to file a federal income tax return.

- 4. In Count II, in the second sentence in that Count in the Information, it reads in part, "... during the calendar year 2004, BROCKMAN lived in the Western District of Oklahoma" ... In this fourth request under the bill of particulars, Defendant seeks to have disclosed where pursuant to statutes and regulations, was Defendant specifically required to file a federal income tax return.
- 5. In Count III, in the second sentence in that Count in the Information, it reads in part, "... during the calendar year 2005, BROCKMAN lived in the Western District of Oklahoma" ... In this fifth request under the bill of particulars, Defendant seeks to have disclosed where pursuant to statutes and regulations, was Defendant specifically required to file a federal income tax return.
- 6. As to each of the three counts, Defendant also seeks through this Bill of Particulars, and makes the request for the identity of any individual legally authorized to accept as filed a federal income tax return, and where that person was located, and by what statute and/or regulation that person had authority to accept as filed a federal income tax return from Defendant. *See Alnutt v. C.I.R.*, 523 F.3d 406 (4<sup>th</sup> Cir. 2008) as an example of the difficulties in properly "filing" a return.

Dated June 4, 2010.

Barry G. Brockman, Defendant,

By: /s/ Jerold W. Barringer
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## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing motion was sent to Assistant U.S. Attorneys Chris Stephens and Jeb Boatman by ECF/CM filing this 4<sup>th</sup> day of June, 2010.

/s/ Jerold W. Barringer Jerold W. Barringer